

21 JUN 2007



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|--------------------------------------|---|-------------------|
| In re Application of | : | DECISION ON |
| POPEL (Deceased) et al. | : | |
| Application No.: 10/574,973 | : | |
| PCT No.: PCT/EP04/11258 | : | REQUEST |
| Int. Filing Date: 08 October 2004 | : | |
| Priority Date: 15 October 2003 | : | UNDER 37 CFR 1.42 |
| Attorney Docket no.: 288240USOPCT | : | |
| For: CATALYTIC BULK MATERIAL HAVING | : | |
| CATALYTICALLY INACTIVE SHAPED BODIES | : | |
| THAT ARE ROUNDED OFF ON THE EXTERNAL | : | |
| FRICTION SURFACES | : | |

This is a decision on applicant's submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 21 February 2007.

On 07 April 2006, applicant filed a declaration, which identified all inventors and was executed by five of six inventors and by Karin Pöpel, identifying her as heir for deceased inventor Wolfgang Jürgen Pöpel. The declaration provided the citizenship, residency and mailing address for all inventors including the deceased inventor as well as the heir's citizenship, residency and mailing address.

On 07 December 2006, a decision was mailed to applicant indicating that the declaration identified only one heir and it was unclear whether Ms. Popel was the sole heir and whether a legal representative of the deceased's estate had been appointed or was statutorily required to be appointed. Applicant was advised to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

On 21 February 2007, applicant provided a statement by Karin Pöpel indicating that she is the sole heir and legal representative of the deceased inventor Wolfgang Jürgen Pöpel.

A closer inspection of the declaration submitted on 07 April 2006 reveals that the declaration appears to be in both the German and English languages. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. It is suggested that applicant employ USPTO Form PTO/SB/105 or that counsel provide a statement that the translation is accurate.

The declaration submitted on 07 April 2006 is unacceptable and is not in compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate to accord the national stage application

status under 37 CFR §1.42.

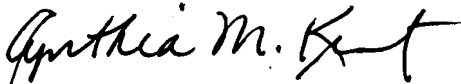
CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **dismissed without prejudice**. The declaration is not yet in compliance with 37 CFR 1.69(b).

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

The application will be held in PCT Legal Office to await applicant's further reply.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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